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# RULES

OF THE

LAW SOCIETY OF MANITOBA,

AS REVISED, CONSOLIDATED, AND FINALLY PASSED  
IN CONVOCATION,

*IN HILLARY TERM, 45th VICTORIA,*

TOGETHER WITH THE

**RESOLUTIONS [AND STANDING ORDERS OF CONVOCATION.]**

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PRINTED BY ORDER OF THE CONVOCATION.

FREE PRESS, WINNIPEG.

1881.



THE  
**Law Society of Manitoba.**

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**VISITORS.**

The Honourable the JUDGES OF THE COURT OF QUEEN'S  
BENCH, Manitoba.

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PRESIDENT:

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TREASURER:

FREDERICK McKENZIE, Esquire.

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SECRETARY:

The Honourable S. C. BIGGS.

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BENCHERS:

*Ex Officio.*

The Chief Justice and Puisne Judges of the Court of Queen's Bench,  
Manitoba.

The Minister of Justice of Canada for the time being.

The Honourable Sir ALEXANDER CAMPBELL.

The Attorney General for the time being of Manitoba.

The Honourable DAVID MARR WALKER.

The President, Treasurer, and Secretary of the Society for the time  
being.

*Elected.*

FREDERICK McKENZIE, Esq.

HON. SAMUEL CLARKE BIGGS.

SEDLEY BLANCHARD, Esq.

HEBER ARCHIBALD, Esq.

ARTHUR WELLINGTON ROSS, Esq.

JAMES ALBERT MANNING AIKINS, Esq.

WILLIAM BALDWIN THIBAudeau, Esq.

DANIEL CAREY, Esquire.

HAMILTON R. O'REILLY, Esq.



# RULES PASSED

—BY—

## THE LAW SOCIETY OF MANITOBA,

WITH THE APPROBATION OF THE

## JUDGES OF THE COURT OF QUEEN'S BENCH,

AS VISITORS OF THE SAID SOCIETY.

*Finally passed in Convocation, Hilary Term,  
45th Victoria.*

[Approved by the Visitors of the Society.]

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By the Benchers of the Law Society of Manitoba in Convocation, it is Ordained as follows :

### SEAT OF THE BENCHERS.

1. The permanent seat of the Law Society shall be in the City of Winnipeg.

### CONVOCATION OF BENCHERS.

2. Any five Benchers shall be a quorum; and (unless otherwise specially provided) no business shall be transacted in Convocation, unless a quorum of five members be present.

3. The Terms of the Society shall be the same as those of the Court of Queen's Bench.

4. Special meetings of Convocation, in case of emergency, may be convened by the President or Treasurer, upon the requisition of three members. Notices, stating the object of the special meeting are to be sent by post to each Benchers at least two days before the day of meeting.

5. The first Monday, Tuesday and Saturday, and the last Friday of every Term shall be standing Convocation days, unless such days be holidays, then the next succeeding day shall be a Convocation day, and the hour of meeting half-past ten o'clock in the forenoon, unless otherwise ordered, and the Convocation may adjourn from day to day, to any day previous to the next standing Convocation day.

6. In default of a quorum, after the lapse of thirty minutes beyond the hour of meeting, on any Standing Convocation day, or on any adjournment, the President or Treasurer, or in their absence, the Benchers being the senior Barrister present, may adjourn the meeting of Convocation to any other day in the same term, previous to the next standing Convocation day.

7. The proceedings of the Benchers in Convocation shall be conducted as nearly as may be according to the ordinary Parliamentary mode.

8. No Draft Rule shall pass through more than two readings on the same day, but may pass through all its stages in the same Term, or be continued from Term to Term.

9. After any question is put, no further debate on the question shall be allowed, but the yeas and nays shall be recorded at the request of any Benchers.

#### COMMITTEES.

10. Any Committee of Convocation may sit in Vacation as well as in Term time, and may adjourn from time to time.

#### TREASURER.

11. The President, or in his absence the Treasurer for the time being shall preside in Convocation.

12. In case of the absence of the President and Treasurer, a Chairman, to preside in Convocation, shall be appointed by the Benchers present.

13. Such Chairman shall preside in Convocation, and in all things officiate as President, during the absence of the President and Treasurer.

14. In case of a vacancy in any of the offices of the Society, the Benchers present at the first meeting of Convocation next ensuing the occurrence of such vacancy shall, before proceeding to any other business, elect a Bencher to fill the vacant office until the next statutory election.

15. The President or Treasurer may, if any unseen emergency render it necessary, summon a special meeting of Convocation for any day in Term time by giving notice thereof by telegraph or otherwise, and by affixing such notice in the Library of the Society at least one day previous to the day of meeting. Sch. No. 13.

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### EXAMINATION OF CANDIDATES.

16. There shall be an examination, according to the Rules and Regulations of the Society :

- (1) Of every Candidate for admission as a Student-at-law or Articled Clerk.
- (2) Of every Student so admitted becoming a Candidate for Call to the Bar.
- (3) Of every Applicant for a certificate of fitness for admission as an Attorney or Solicitor.

17. The examination for admission shall be conducted by one or more Examiners to be appointed for that purpose by the said Society.

18. The Examination of Candidates for Call to the Bar shall be partly in writing, by written or printed questions, to be answered in writing, and partly oral, under the supervision of the said Examiners.

19. The Examination of Applicants for Certificates of Fitness shall be conducted in like manner.

20. A Graduate in the Faculty of Arts or Law in any University in Great Britain or Ireland, or of any Province of the Dominion or Canada, empowered to grant such Degrees, shall be entitled to admission as a Student or Articled Clerk, upon giving six weeks' notice, and paying the prescribed fees, and presenting to Convocation his Diploma or a proper certificate of his having received his Degree.

21. All other Candidates for admission as Students-at-law, until further order, shall pass a satisfactory examination in the following subjects :

ENGLISH OR FRENCH GRAMMAR.  
COMPOSITION.  
MODERN GEOGRAPHY.  
COLLIER'S SMALL HISTORY.  
ARITHMETIC.  
EUCLID,—(Bks. I and II.)  
ALGEBRA to end of Quadratic Equations.  
VIRGIL'S ÆNEID,—Bk. II.  
HORACE,—Bk. I of the Odes.  
CICERO,—“Pro Milone.”

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## RULES AS TO EXAMINATION OF ARTICLED CLERKS.

22. Notice of Examination shall be given to the Secretary by a Benchler, not less than six weeks previous to the Term immediately following the Examination.

23. Examinations shall be had by the Examiners appointed by the Society, on the same days as the Examinations of Students-at-law, before each Term, and shall be conducted in the same manner.

24. On failure to pass the Examination, ten dollars of the fees shall be paid back.

25. Term of service under Articles shall be effectual only from time of passing Examination.

26. There shall be Preliminary Examination for Articled Clerks upon the subjects mentioned in Rule 21

27. No one who has been admitted upon the Books of the Society as a Student shall be required to pass a Preliminary Examination as an Articled Clerk.

28. The Examinations of Candidates for admission shall be partly in writing and partly oral, and shall be conducted in the Convocation Chamber, or at such other place as the Examiners appointed by the Society may designate; and shall be commenced on Tuesday in the last week of each Vacation, at ten o'clock, A. M.; and the same may be adjourned in such manner as may be found convenient.

29. In the event of any of the Examiners being unable to attend, or declining to act, during any term, or in the event of Convocation not meeting and appointing another Examiner, the President or Treasurer shall appoint an Examiner to fill his place for the next ensuing Examinations.

30. Notice of the day on which the Applicants for admission are respectively required to attend for the purpose of being examined, shall, by the Secretary, be transmitted to them by post as soon as may be after each Term.

31. In case no such notice be received, attendance is to be given on the days above appointed for entering upon the Examinations.

32. No person shall be admitted as a Student-at-law or Articled Clerk who is not of the full age of sixteen years.

33. Notice of the intention of any person to apply for admission as a Student-at-law or Articled Clerk signed by a Benchers, and containing the name, addition, and family residence of the Candidate, must be delivered to the Secretary of the Society, at his office, at least six weeks before the Term in which he seeks admission.

34. The Candidate must be presented to the Examiners by writing, signed by a Barrister of the Manitoba Bar, in a form approved of by the Society.

35. The Secretary shall, as soon as all the notices have been received, make out two lists containing the names,

additions, and family residence of all the Candidates, for admission on behalf of whom notices of presentation have been regularly given, and shall affix one of such lists in a conspicuous place in his office, and the other in the Convocation Chamber.

36. In case any Candidate shall not pass the written Examination to the satisfaction of the Examiners, he shall not be entitled to present himself for the Oral Examination.

37. Candidates who have passed their written Examinations, shall also be examined orally by the Examiners in such subjects as they may think proper.

#### COMMITTEE OF EXAMINATION FOR ADMISSION ON THE BOOKS AS STUDENT-AT-LAW AND ARTICLED CLERK.

38. A Committee of Convocation, to consist of three Benchers, shall be appointed for the Examination of the qualifications of applicants for admission, or for Examination.

39. The said Committee, in concert with the "Examiners," are hereby entrusted with the power and duty of superintending the Examinations of all such Applicants for admission or for Examination and of arranging and settling the details thereof, in all respects not provided for by the Rules or Standing Orders of Convocation. The Examining Committee shall report on the qualification and Examination of each applicant before the first Friday of each Term.

#### CLASSIFICATION.

40. Graduates shall be classed according to their rank, if Graduates in the same University; or according to the dates of their Diplomas or Degrees, if Graduates of different Universities.

41. Candidates passed in the other Class shall be classed according to their merits.

#### PETITION, PRESENTATION, AND DEPOSIT OF FEES.

42. Every Candidate for admission shall, some convenient time previous to the examination day or the day on which he is to be examined, report himself, to and deposit with the Treasurer, his presentation and the amount of fees pay-

able on admission, together with his petition for admission, which presentation and petition respectively shall be in the terms, and shall contain the information required by the forms contained in the schedule numbers [2] and [3].

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## INTERMEDIATE EXAMINATIONS.

43. Every Articled Clerk presenting himself for examination in any Term, under the Law Society Act of Manitoba shall, on or before the day of examination, file with the Secretary of the Law Society a certificate signed by such Clerk, stating the date of his articles of Clerkship, and of the filing thereof, the name of the Attorney to whom he was articulated, the number of assignments, if any, and the year of his service at the time of signing such certificate, and if he is a graduate of any University, stating the same. The particulars of such certificate shall be entered in a book for that purpose, to be kept by the Secretary; and no certificate shall be received or filed without the payment of two dollars to the Secretary.

44. After each Examination is completed, the committee shall certify to Convocation the names of the Students and Clerks examined, and whether they have or have not passed such Examination; and in accordance with such certificate, the Secretary shall enter against the name of such Clerk in the book aforesaid, "Passed," or "Not Passed," with the date of such certificate and when such student or Clerk has passed, shall give him a certificate to that effect.

45. On the final Examination for Certificate of Fitness of every Student or Clerk, the Secretary shall certify whether such Student or Clerk has passed the said preliminary Examinations, and the date of such passing.

## STUDENTS-AT-LAW.

46. Every Student of the Laws entered as such on the books of the Law Society, shall be required to pass three Examinations before the Final Examination for Call to the Bar. The first of such Examinations in the second year

after he has been entered on the said Books, and the second of such Examinations in the third year, and the third of such Examinations in the fourth year after he has been so entered; but Students-at-Law and Articled Clerks who have a degree in Arts from some University in Her Majesty's Dominions entitling them to Call in three years from the date of their admission, shall be required to undergo only the second and third of such Examinations.

47. Any Student being an Articled Clerk who, as such Articled Clerk, has passed the Examinations required by the Statute during his Clerkship, shall be allowed such Examinations as Examinations passed, without further Examination or certificate to that effect by the Secretary of the Law Society.

48. Every Student-at-Law shall on or before the day on which he goes up for Examination, file with the Secretary of the Law Society a certificate signed by him, stating the date when he was admitted on the Books of the Society, and if an Articled Clerk who has passed either or both of the Preliminary Examinations required by the Statute, stating the date or dates when such Examination or Examinations was or were passed, and the Secretary shall enter the said particulars in a book to be kept by him for such purpose, and shall enter in such book against the name of such student, "Passed," or "Not passed," as the case may be.

49. Every Student-at-law who has passed the said Examination shall be entitled to receive a certificate from the Secretary to that effect.

50. Convocation shall have power to alter the time of Examination in any case for special cause.

#### RULES AS TO INTERMEDIATE EXAMINATIONS WHEN TIME REDUCED IN LAW SCHOOL.

51. Intermediate Examinations shall commence on the Tuesday next, before each Term.

52. The subjects and books of the first intermediate of these Examinations shall be as follows:—

Contracts—Smith on.

Equity—Haynes' outlines of

Real Property—Williams on (Chap. I., II., III., IV., V.)  
 Personal Property—Williams on

53. The subjects and books for the second of these Examinations shall be as follows :—

Real Property—Williams.  
 Equity—Smith's Manual.  
 Common Law—Smith's Manual.  
 Acts of Manitoba relating to the Constitution and practice of the Courts.

54. The subjects and books of the third of such Examinations shall be as follows :—

Evidence—Powell.  
 Equity—Snell's Treatise.  
 Common Law—Broom's Common Law.  
 Pleading—Stephen on

#### FINAL EXAMINATIONS.

55. The subjects for the Final Examination of Articled Clerks shall be as follows :—

Leake on Contracts.  
 The Pleading and Practice of the Courts.  
 Williams on Real Property.  
 Byles on Bills.  
 Addison on Torts.  
 Snell's Equity.  
 Statute Law applicable to Manitoba.

56. The Books for the Final Examination of Students-at-law shall be as follows :—

For Call :

Addison on Torts.  
 Leake on Contracts.  
 Snell's Equity.  
 Taylor on Evidence.  
 Byles on Bills.  
 The Statute Law of Manitoba.  
 The Pleading and Practice of the Courts.  
 Williams on Real Property.

57. Candidates for the Final Examinations are subject to Examination on the subjects of the Intermediate Examinations.

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### EXAMINATION FOR CALL TO THE BAR, AND FOR CERTIFICATES OF FITNESS.

58. No Student-at-Law upon the Books of this Society shall be called to the Bar, and no Candidate shall receive a Certificate of Fitness, unless he be of the full age of 21 years, nor without having been previously examined according to the rules of the Society.

59. Candidates for Call, "simply," shall for the like purpose attend at Convocation Chamber, on the Thursday of the last week, at ten o'clock, A. M.

60. Candidates for Certificates of Fitness for admission as Attorneys or Solicitors, shall for the like purpose attend at Convocation Chamber, on the Thursday of the same week, and the same hour.

61. The Examiners shall deliver to each respective Candidate a copy of the questions to be by him answered, and each such Candidate shall then and there, under the supervision of such Examiners, frame written answers to such questions, and deliver the same to the Examiners.

62. The answers shall be delivered to the Examiners by four o'clock, P. M., on the same day on which the questions are received for answer.

### NOTICE OF INTENDED APPLICATION FOR CALL.

63. Every Candidate for Call to the Bar, must cause a written notice in the form approved of by the Society, of his intention to present himself for Call, signed by a Benchor to be given to the Secretary at his office some day in the Term next preceding that on which he intends so to present himself. Sch. No. 8.

64. The Secretary shall, on or before the second Saturday of every Vacation, make out two lists containing the names, additions, and residences, of all the Candidates for Call, on behalf of whom notices of presentation have been regularly given, and shall affix one of such lists in a conspicuous place in his office, and the other in Convocation Chamber.

65. The Secretary shall, on the first day of every Term, make a report in writing to the Convocation, stating—

- (1) That in the preceding Term notice of presentation had been properly given for such Candidate.
- (2) The day of the admission of such Candidate into the Society.
- (3) The class of the Examination passed by such Candidate at the time of his admission, and
- (4) The Intermediate Examinations passed by such Candidate; to which report he shall append such Candidate's petition and presentation. Sch. No. 13.

#### PRESENTATION FOR CALL.

66. Every Candidate for Call to the Bar must be presented to the Convocation by an instrument in writing, signed by a Barrister of Manitoba, and execute a bond to the Society, in the forms approved of by the Society, and contained in the Schedules Nos. 9 and 11.

#### BONDS TO BE GIVEN BY BARRISTERS.

67. Every gentleman shall, previous to his Call to the Bar, give a Bond to the Corporation in the penal sum of five hundred dollars, with two responsible sureties to be approved of by the Treasurer, with a condition in the terms and to the effect of the form contained in Schedule Nos. 11, and 12.

68. Every member of this Society shall, after his Call to the Bar, pay to the Society, through its Treasurer, a Term fee of \$2 per annum.

## DEPOSIT OF PETITION, PRESENTATION, BOND, AND FEES.

69. Every Student upon the Books of this Society, being a Candidate for Call to the Degree of Barrister-at-law, whose period of standing on the Books entitled him to present himself, has expired or will expire during the ensuing Term, shall at least one day before the day appointed for examinations before the Examiners in the Vacation preceding the Term in which such Candidate petitions to be called, report himself to, and deposit with, the Treasurer, his presentation and bond, and the amount of fees payable on being called; and the Treasurer's receipt for such fees shall be sufficient to entitle the Student to appear before the Examiners. and to be by them examined for Call.

70. He shall, at the same time and place, deposit with the Secretary his petition for Call, which petition shall contain a statement of his age, of the day on which the period of his standing on the books, necessary to entitle him to be called to the bar, expired or will expire, the Intermediate Examinations he has passed, and the names of the persons under whose superintendence he has received his professional education, according to the form contained in the Schedule No. 10.

## ORAL EXAMINATION AND CALL IN CONVOCATION.

71. The Oral Examinations for call shall take place on Friday and Saturday before Term.

72. No Examination shall be had upon any other day unless upon adjournment of all or any Examination not had or completed.

73. Every member of the Society on the Common Roll, being a candidate for Call to the Bar shall, when passed, be admitted to the Degree of Barrister in the order of precedence on the Common Roll, unless the Convocation, at the time of his Examination, being passed otherwise order, and every candidate for Call to the Bar, by virtue of his having been called to any other Bar, shall, when called, take precedence next after the members of the Society of longer standing on the books called upon the same day.

74. Every gentleman, upon his being called to the Bar, shall appear before the Convocation in a Barrister's gown, for the purpose of his being presented to the Superior Courts ; and he may be so presented by any Benchers present in Court.

75. The form of the Diploma of Barrister-at-law of this Society, shall be in the form in the Schedule No. 12.

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### CERTIFICATES OF FITNESS FOR ADMISSION AS ATTORNEYS OR SOLICITORS.

76. All applications for Certificates of Fitness for Admission as Attorney or Solicitor under the Act shall be by petition in writing, addressed to the Benchers of the Society in Convocation, and every such petition, together with the documents required by, and the fees payable to this Society under the said Act, or under the Rules of the said Courts, or those of this Society, shall be left with the Secretary of the Society at his office on or before the third Saturday next before the term in which such petition is to be presented, and the Treasurer's receipt for such fees shall be sufficient authority to the "Examiners" to examine the Applicant by written or printed questions.

77. Every Candidate for a Certificate of Fitness for Admission as an Attorney or Solicitor under the said Act, shall, with his petition for such certificate, leave with the Secretary of the Society at his office, answers to the several questions set forth in the schedule to this rule annexed, marked "B," signed by the Attorney or Solicitor with whom such Articled Clerk has served his clerkship, which shall be in the place where such principal resides, and actually carries on his business, together with the certificate in the said last-mentioned schedule also contained..

78. In case any such Candidate at the time of leaving his petition for Certificate of Fitness and papers, with the Secretary of this Society as hereinbefore provided, proves to the satisfaction of the said Secretary, that it has not been in his power to procure the answers to the questions con-

tained in the same schedule "B," from the Attorney or Solicitor with whom he may have served any part of the time under his articles, or from the agent of such Attorney or the Certificate of Service therein also contained, the said Secretary shall state such circumstances specially in his report to Convocation on such Articled Clerk's petition.

#### EXAMINATION FOR CERTIFICATE OF FITNESS.

79. Candidates for Certificates of Fitness shall be examined in writing, and orally in like manner as Candidates for Call "simply."

80. The Examining Committee shall report upon the petition of every Candidate for Certificate of Fitness for Admission as Attorney or Solicitor, and such report, together with the petitions and documents to which they refer, shall be laid on the table of Convocation on the first day of term; the Secretary shall make a Report upon the articles of clerkship when received by him, of applicants whose term of service expires during the Term.

#### SCHEDULE A.

81. The following questions are to be answered by the Clerk himself:—

1st. What was your age at the date of your articles?

2nd. Have you served the whole term of your articles at the office and under the personal supervision of the Attorney or Attorneys to whom you were articled or assigned, and where he or they resided, and carried on his or their business? And if not, state the reason.

3rd. Have you, at any time during the term of your articles, been absent without the permission of the Attorney or Attorneys to whom you were articled or assigned? And if so, state the length and occasion of such *absence*.

4th. Have you, during the period of your articles, been engaged or concerned in any profession, business, or employment other than your professional employment as Clerk to the Attorney or Attorneys to whom you were articled or assigned?

5th. Have you, since the expiration of your articles, been engaged or concerned, and for how long a time in any, and what profession, trade, business, or employment, other than the profession of Attorney or Solicitor?

### SCHEDULE B.

82. The following questions are to be answered by the Attorney or Solicitor, or his Agent, with whom the Clerk may have served any part of the time under his articles, with the Certificate of such Attorney, Solicitor, or Agent:

1st. Has A. B. served the whole term of his articles in the place where you reside, and at the office where you personally carry on your business? And if not, state the reason.

2nd. Has the said A. B., at any time during the term of his articles, been absent without your permission? And if so, state the length and occasion of such *absence*.

3rd. Has the said A. B., during the period of his articles, been engaged or concerned in any profession, business, or employment other than his professional employment as your articulated clerk under your personal supervision.

4th. Has the said A. B., during the whole term of his clerkship, with the exceptions above-mentioned, been faithfully and diligently employed in your professional business of an Attorney or Solicitor?

5th. Has the said A. B., since the expiration of his articles, been engaged or concerned, and for how long a time in any, and what profession, trade, business, or employment other than the profession of an Attorney or Solicitor?

6th. And I do hereby certify that the said A. B. has duly and faithfully served under his articles of clerkship (or assignment, as the case may be) bearing date, &c., for the term therein expressed; and that he is a fit and proper person to be admitted as an Attorney.

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## COMMITTEES.

83. The following "Standing" Committees shall be annually elected on the same day on which the officers are elected, and shall hold office until the appointment of their successors :—

Finance.

Library.

Examining Committee.

84. Each Standing Committee shall consist of not less than three members, in addition to the President, who shall be *ex officio* a member of all Standing Committees.

85. Any vacancy in any Committee shall be filled up at the first business meeting of Convocation held after the occurrence of such vacancy.

## COMMITTEE OF FINANCE.

86. The Committee of Finance shall be charged with the management of the Finances of the Society, and all matters relating to its resources and expenditure, and may appropriate from time to time such sums as may be required for expenditure by other Standing Committees, and shall certify such other accounts as may be incurred, and order their payment.

## OFFICERS.

87. Besides the President, Secretary and Treasurer, there shall be the following officers of this Society :—

(1) A Sub-Secretary and Librarian.

(2) Two Examiners.

88. The officers above-mentioned shall hold office during the pleasure of the Convocation, and shall perform all such duties as may be assigned to them respectively by the rules of the Society, or by the Standing Orders, or by any special orders of Convocation.

89. The salaries or allowances to the officers of the society shall be fixed, from time to time in Convocation.

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## FEES.

### ADMISSION FEES.

90. Every Student-at-law shall pay the sums following, viz. :—

Notice fee .....	\$ 2 00
Primary Examination fee .....	50 00
Each Intermediate notice.....	2 00
Call as Barrister .....	100 00

Every Articled Clerk shall pay the sums following :—

Notice fee .....	\$ 2 00
Primary Examination fee .....	40 00
Each Intermediate notice.....	2 00
Certificate of fitness.....	60 00

91. Every Barrister of any other part of Her Majesty's dominions admitted into this Society, and called to the Degree of Barrister-at-Law shall pay a fee of \$158.

Every Attorney of Her Majesty's Court in any  
Province of the Dominion, or in England  
Ireland or Scotland, shall pay a fee of..... \$108.00

All of the above fees shall be deposited with the Treasurer of the Society at least one week prior to the respective Examinations, and the Treasurer's receipt for such fees shall be sufficient evidence to entitle the candidate for examination to appear before the Examiners.

92. In case any Candidate for admission on the books as a Student, or for Call to the Bar, or for a Certificate of Fitness for admission as an Attorney or Solicitor, fails to pass the necessary Examination, or be rejected on any other ground, the fee required to be deposited by him for the use

of the Society according to the Statute or the Rules of the Society, shall be returned to him by the Treasurer less \$10.

### ACCOUNT AND AUDIT.

93. The Treasurer shall lay before the Convocation on the first Tuesday of each Easter Term, a debit and credit statement of account of all moneys received up to and including the last quarter day next preceding such Term.

94. Such statement of account shall show all deposits made into the Bank of the Society to the credit of the Society, and of all checks drawn upon such Bank, and shall also show all disbursements made, and be accompanied with vouchers connected therewith.

95. Such accounts shall be audited, by auditors appointed for that purpose, once a year.

### FISCAL MATTERS.

96. The Bank of Montreal shall be the Bank of Deposit and Account for the "Law Society of Manitoba," and the Treasurer shall from time to time deposit therein and to the credit of the Law Society, all moneys (except sums retained for occasional contingencies), received for and on account of the Society, which being done, such deposit shall exonerate him.

97. The moneys of the said Society deposited in the said Bank, shall be drawn for, and paid out upon a check signed by the Treasurer, or in case of his absence, by the Chairman, or in his absence any other member of the Finance Committee, and when signed by any such member of said Committee, not being the Chairman, then such cheque shall be countersigned by the Secretary for the payment of salaries, contingencies, and other accounts from time to time required to be paid by the Rules or Orders of the Society, or by any Committee acting under or in accordance with any such Rules or Orders.

### DUTIES OF THE SECRETARY.

98. In addition to the duties required of the Secretary by any Statute—

1. He shall keep the minutes of the proceedings in Convocation, and record the names of the Benchers present, make up the journals, conduct all necessary Correspondence, prepare all necessary Diplomas, Certificates, and other documents appertaining to his department, and perform all other services incidental to the office.

2. He shall cause to be published in the *Canada Law Journal* as soon as may be after each Term:

- (a.) The names of all Benchers elected or appointed during the previous Term.
- (b.) The names of the President and Treasurer (if any) elected during such Term.
- (c.) The names of all gentlemen upon whom the Degree of Barrister-at-Law was conferred during such Term, in the order of their call.
- (d.) The names of all members admitted into the Society as Students-at-Law or Articled Clerks, during each Term, with the date, class, and order of their admissions.
- (e.) Such portions of the Rules or Standing Orders of the Society respecting the Examination of Candidates for admission on the books as Students-at-Law, for Call to the Bar, and for Certificates of Fitness, specifying the subjects and books from time to time prescribed for such Examinations respectively, as shall be sufficient to give every necessary information to all parties interested in the premises.
- (f.) A *resumé* of the business of Convocation during Term. And such other duties as may be imposed on him by Convocation. The duties of the Sub-Secretary shall be to assist the Secretary in the performance of any of the above matters.

3. The Secretary shall forthwith, after each Examination, post in a conspicuous place in the Library, a list, shewing the names of the successful Candidates.

## LIBRARY.

99. The Librarian shall have the immediate and general charge of the Library, under the superintendence of the Library Committee.

100. The Library Committee may expend such sums as they may deem advisable annually in the purchase of books, for the use of the Library, and the Treasurer is hereby authorized to pay the amount as from time to time required by the Committee.

## STANDING ORDERS FOR THE REGULATION OF THE LIBRARY.

101. The following shall be the Standing Orders for the regulation of the Library :—

1. The Library shall be kept open for the use of the Members of the Law Society :

(1) In Term time daily, except Sundays and Holy days, from half-past nine o'clock, A.M., until five o'clock, P.M., or until the Courts rise, if sitting at five o'clock.

(2) In Vacation daily, except Sundays and Holydays from ten o'clock, A.M., until four o'clock, P.M. except in the Long-Vacation, when it shall be, opened at ten A. M., and closed at one o'clock, P. M.

2. No conversation shall be carried on in the Library.

3. No person shall bring his hat into the Library, nor place his greatcoat, cloak, &c., on any table or chair therein.

4. No book shall be carried out of the Library except under the circumstances authorized by order of Convocation.

5. It shall be the duty of any person using a book to restore it to its place in the Library, immediately after using the same.

6. It shall be the duty of the Librarian to report to the Convocation in Term, any infringement of the Rules or Orders of the Society for the Regulation of the Library.

7. It shall be the duty of the Librarian, under the direction of the Library Committee, to procure and place in the Library, from time to time, the Reports of the Superior Courts of Law and Equity in England, and such other books as the Committee shall order.

8. The Judges of the Court of Queen's Bench respectively, shall be at liberty to take books from the Library, upon application to the Librarian, and any member of the Law Society requiring the use of any book upon the argument of a case, shall be at liberty to have such book, upon application to the Librarian, such book to be returned to its place in the Library immediately after the close of the argument for which it may have been required. Books taken from the Library in pursuance of this rule to be in all cases returned the same day, and any person taking any book from the Library otherwise than upon such application, or failing to return the same in the manner hereby directed, to forfeit the benefit allowed by this rule, until restored thereto by order of Convocation or of the Treasurer.

9. For the application to the Librarian mentioned in the last sub-section, it shall be sufficient to enter the name and volume of the book required and of the person taking the same in a Register book, which shall be kept in the Library for that purpose.

10. The Library shall be heated and lighted at the expense of the Society, according to any arrangements which may be from time to time made by the Committee of Finance.

#### LIBRARY COMMITTEE.

102. It shall be the duty of the Library Committee to assume the general supervision and management of the Library, and to purchase Books therefor, as in their judgment may be necessary.

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## ANNUAL CERTIFICATE FEES.

103. In case any Attorney or Solicitor of the Court of Queen's Bench desirous of obtaining his Annual Certificate, according to the provisions of the Statute in that behalf, pays on any day within the Term of Michaelmas, in any year, to the Treasurer of this Society, the sums hereinafter mentioned according to the scale set forth in the Schedule hereunto annexed, together with all such other fees and dues, if any, as by the said statutes are required to be paid by him on obtaining such Annual Certificate, such Attorney or Solicitor shall be thereupon entitled to such certificate or certificates respectively for the year commencing with the first day of such Michaelmas Term; and such certificate or certificates shall be thereupon issued to him by the Secretary of this Society, as provided by the said Statute.

For Certificates for all of the Courts of the Province.....	\$15 50
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## SUSPENSION OF BARRISTERS STRUCK OFF THE ROLL OF ATTORNEYS OR SOLICITORS BY THE COURT OF QUEEN'S BENCH.

104. Upon any order being made by Her Majesty's Court of Queen's Bench for Manitoba, whereby any person being at the time a member of this Society is ordered to be struck off the Roll of Attorneys or Solicitors of such Court, and whereby it is also further ordered, that such order shall be transmitted by the proper officer of such Court to the Treasurer of this Society; such person so ordered to be struck off the Rolls of such Court shall, *ipso facto*, be suspended from the exercise of all and singular the rights, powers, and privileges belonging to him in this Society, or elsewhere, as a member thereof, and such suspension shall continue until such person be restored to the Rolls of such Court as an Attorney or Solicitor thereof.

105. Such suspension shall in no respect be deemed as affirmation on the part of this Society, or any of the authorities thereof, of the correctness of the grounds upon which the decision of such Court is founded, but as a mere legal consequence attached to such decision.

106. Such suspension shall not preclude the adoption of proceedings by impeachment or otherwise, according to the

course of this Society, before the Benchers thereof in Convocation for disbarring and expelling such person from this Society, on the same grounds upon which any such Court may have proceeded to remove him from their Rolls, or any other that may render such proceeding necessary or proper in that behalf.

107. It shall be the duty of the Treasurer of this Society on receipt of any such order from the proper officer of the said Court to lay the same before the Benchers of this Society in Convocation at the next meeting; and the same shall be thereupon entered at length upon the Journal of Convocation, but no entry of such suspension shall be entered upon the Rolls of this Society.

108. Upon the Treasurer of this Society being informed of orders having been made by the Court which removed any such person from its Roll as aforesaid, for the restoration of such person to such Roll, it shall be his duty to procure office copies of such orders so restoring such person to the Roll of said Court, and to lay the same before the Benchers of this Society in Convocation at their next meeting, and the same shall thereupon be entered at length upon the Journals of Convocation.

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## RULES AS TO COMPUTATION OF TIME.

109. In the computation of time entitling Students or Articled Clerks to pass Examinations to be called to the Bar or receive Certificates of Fitness Examinations passed before or during Term shall be construed as passed at the actual date of the Examination, or as of the first day of Term, whichever shall be most favorable to the Student or Clerk, and all Students entered on the books of the Society during any Term shall be deemed to have been so entered on the first day of the Term.

110. It shall be the duty of the Secretary to notify every practising Attorney who may be in default in the payment of his annual fees for Certificates, that unless the amount in default be paid within one month after the mailing of such notice, proceedings will be taken by the Solicitor, such

notice to be sent not later each year than the last day in Hilary Term, and if the fees be not paid within such month, then it shall be the duty of the Solicitor of the Society to proceed against the parties in default peremptorily and without further notice.

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## INTERPRETATION.

111. The interpretation clauses of the Interpretation Acts having force in Manitoba, shall, so far as material and applicable, be considered as also applying to the rules and orders of this Society in like manner as if expressly incorporated therewith.

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## SCHEDULE.

112. The following Forms are approved of by the Society, and shall be used where applicable or adapted to the circumstances of the particular case :

### I.

#### NOTICE OF PRESENTATION FOR ADMISSION.

LAW SOCIETY OF MANITOBA, TO WIT :

Mr. A. B. (some Benchers) gives notice, that C. D., (names in full, no initials) of E. in the County of F. in this Province, Gentleman, son of G. D., of the same place, Merchant (or as the case may be), will, next Term, be presented to the Benchers of this Society, in Convocation, for the purpose of being entered and admitted as a Student of the Laws, or Articled Clerk.

## II.

## PRESENTATION FOR ADMISSION.

LAW SOCIETY OF MANITOBA, TO WIT :

*To the Benchers of the Law Society of Manitoba, in Convocation.*

GENTLEMEN,—I hereby present to the Examining Committee and to the Convocation, C. D., (names in full, no initials) of E. in the County of F. in this Province, Gentleman, son of G. D., of the same place, Merchant, (or as the case may be), for the purpose of his being examined and entered and admitted as a Student of the Laws, or Articled Clerk.

(Some member of the Society of the degree of Barrister-at-Law.)

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 III.

## PETITION FOR ADMISSION.

LAW SOCIETY OF MANITOBA, TO WIT :

*To the Benchers of the Law Society of Manitoba, in Convocation.*

The petition of C. D., (Christian and surnames at length no initials) of E. in the county of F. in this province, Gentleman, son of G. D., of the same place, Merchant, (or as the case may be), most respectfully sheweth : That your Petitioner is of the full age of      years ; that he has received an education which he trusts sufficiently qualifies him to commence the study of the profession of the Law ; that he received his education at the University of Oxford ; (or “at St John’s College ;” or at the school of G. A., at Z., in the county of F., in this province or as the case may be, being as full and particular as possible) ; that in the course of such instruction he has read the following books, that is to say      (as the case may be) ; that your Petitioner is desirous of becoming a member of the Law Society of Manitoba, and of being entered thereof as a Student of the Laws.

Your Petitioner therefore, most respectfully prays that his qualifications being first examined and found sufficient according to the Rules of the Society, and Standing Orders of Convocation in that behalf, he may be admitted and entered accordingly; and he doth hereby undertake and promise that he will well, faithfully, and truly submit and conform himself to, and obey, observe, perform, fulfil and keep all the Rules, Resolutions, Orders and Regulations of the Society, during such time as he shall continue on the books of the said Society as a member thereof.

WITNESS,  
R. W.

C.D.  
Michaelmas Term, Vic.

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IV.

TREASURER'S REPORT ON PETITION FOR  
ADMISSION.

LAW SOCIETY OF MANITOBA, TO WIT.

*To the Benchers of the Law Society of Manitoba in  
Convocation.*

The Treasurer, with reference to the Petition and Presentation for Admission of C. D. hereunto annexed, begs leave, pursuant to the standing order of Convocation in this behalf, most respectfully to report:

That he has carefully examined the said Petition and Presentation—and that they appear to him to be complete and regular in every respect; that he has searched the Journals of Convocation, and finds that notice of the Presentation of the said Candidate was duly given on the day of in last Term; that the said Candidate has fully conformed himself to the rules of the Society and Standing Orders of Convocation, and that should his education be reported sufficient by the Examining Committee, there exists to his

knowledge no objection to the Admission of the said Candidate as a member of the Society.

All which is most respectfully submitted,

A. B. *Treasurer.*

*Treasurer's Office,*

, 18 .

# V.

## CERTIFICATES OF ADMISSION INTO THE SOCIETY.

### LAW SOCIETY OF MANITOBA, TO WIT :

These are to certify that C. D., of E., in the county of F., Merchant, (or as the case may be,) having passed an examination and been classed in the University (or the senior or junior) Class, (as the case may be,) was, by the Benchers of the Law Society of Manitoba in Convocation, on the day of      in the Term of      in the year of our Lord one thousand eight hundred and      duly admitted into the said Society as a member thereof, and entered as a Student of the Laws, taking precedence as such in this Society next immediately after Mr. Y. R., and that he now remains on the Books of this Society as a member thereof.

In testimony whereof, I, A. B., Treasurer of the said Society, have to these presents affixed the seal of the said Society, at      this      day of      in the year of Her Majesty's reign.

C. D., *Secretary.*

A. B., *Treasurer.*

## VI.

## NOTICE OF PRESENTATION FOR CALL.

LAW SOCIETY OF MANITOBA, TO WIT,

Mr. A. B. (some Benchers) gives notice that C. D., (names in full) a member of this Society, now standing on the books, as a Student of the Laws, and who has received his professional education under the superintendence of of L. J., Esq., one of the Members of this Society, of the Degree of Barrister-at-Law, (or, of I. J. K. L. M. N., members of this Society, of the Degree of Barrister-at-Law, as the case may be) will, next Term, be presented to the Benchers of this Society in Convocation, for the purpose of being called to the Bar.

## VII.

## PRESENTATION FOR CALL.

LAW SOCIETY OF MANITOBA, TO WIT :

*To the Benchers of the Law Society of Manitoba, in Convocation.*

GENTLEMEN,—I hereby present to the Convocation, C. D., (names in full) a Member of this Society, now standing on the books as a Student of the Laws, and who has received his professional education under my superintendence, (or under the superintendence of K. L. M. N. O. P., Esqrs., members of this Society, of the degree of Barrister-at-Law,) for the purpose of his being called to the Degree of Barrister-at-Law.

I. J.

Some member of the Society of the Degree of Barrister-at Law.

## VIII.

## PETITION FOR CALL.

LAW SOCIETY OF MANITOBA, TO WIT :

*To the Benchers of the Law Society of Manitoba, in  
Convocation.*

The Petition of C. D., (Christian and surnames at length, no initials) of E. in the County of F. in this Province, Gentleman, son of G. D., of the same place, Merchant, (or as the case may be), and a Member of this Society, now standing on the books as a Student of the Laws, most respectfully sheweth,—That your Petitioner is of the full age of \_\_\_\_\_ years; that he has received a professional education which he trusts sufficiently qualifies him to commence the practice of the Profession of the Law; that he is of \_\_\_\_\_ years' standing in the books of the Society as a Student of the Laws; that he has received his professional education under the superintendence of J. K. (or of J. K. for the space of 2 years, L. M. for 1 year, and N. O. for 2 years, or as the case may be), a Member of this Society of the Degree of Barrister-at-Law; that he has since his admission into the Society, passed the first and second Intermediate Examination in the Terms of \_\_\_\_\_ 18 \_\_\_\_\_ and of \_\_\_\_\_ 18 \_\_\_\_\_

That he has since his admission into the Society pursued the following branches of general learning that is to say, (as the case may be.)

That in the course of such pursuit he has read the following works, that is to say, (as the case may be.)

That he has particularly studied the following branches of the law, that is to say, (as the case may be.)

That in the course of such study he has read the following works, that is to say, (as the case may be.)

That he is under no articles of Clerkship of any kind whatsoever to any person or persons (or as the case may be); and that he is desirous of being called to the Degree of Barrister-at-Law.

Your Petitioner, therefore, most respectfully prays, that, his qualifications being first examined and found sufficient according to the Rules of the Society, and Standing Orders of Convocation in that behalf, he may be called to the said Degree accordingly; and he doth hereby undertake and promise that he will, faithfully, and truly submit and conform himself to, obey, observe, perform, fulfil, and keep all the Rules, Resolutions, Orders, and Regulations of the said Society, during such time as he shall continue on the books of the said Society as a member thereof.

Witness,

C. D.

N. P.

Michaelmas Term,

Vic.

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## IX.

### BOND.

LAW SOCIETY OF MANITOBA, TO WIT :

Know all men by these presents, that we, C. D., (names in full) of F. in the county of F. in this Province, Gentleman, Member of the Law Society of Manitoba, now standing on the books of the said Law Society as a Student of the Laws, (or "Esquire, Member of the Honorable Society of Lincoln's Inn, Gray's Inn, the Middle Temple, or the Inner Temple," as the case may be, "duly called to practice at the Bar of Her Majesty's Superior Courts in England," or "Esquire, duly called to practice at the Bar in Her Majesty's, Province of Quebec," (Nova Scotia, or New Brunswick, &c., as the case may be,) "in North America,") and Z. D. of E. in the County of F., merchant, and V. N. of T. in the county of S., yeoman, are jointly and severally held and firmly bound to the Law Society of Manitoba in the penal sum of Four Hundred Dollars of lawful money of Canada, to be paid to the Law Society of Manitoba aforesaid; for which payment to be well and truly made we bind ourselves, and each of us binds himself, our and each, and every one of our heirs, executors, and administrators firmly by these presents. Sealed with our Seals. Dated this        day of        in the

year of Her Majesty's reign, and in the year one thousand eight hundred and

The condition of this obligation is such, that if the above bounden C. D. (names in full) shall and will well and truly pay, or cause to paid, to the Law Society of Manitoba, aforesaid, all such fees and dues of what nature or kind soever, as now are due or payable by or from him to the said Society, by or under any Statute or by any Rule, Resolution, Order, or Regulation of the said Society, passed by the said Society, or by the Benchers thereof, with the approbation of the Judges of the Province, as Visitors of the said Society, or which shall or may hereafter become due or payable by or from him to the said Society, under the same, or under any other Statute or by any other Rule, Resolution, Order, or Regulation to be passed by the Benchers of the said Society in Convocation, with such approbation as aforesaid; and also do and shall moreover well, faithfully and truly obey, observe, perform, fulfil, and keep all the Rules, Resolutions, Orders, and Regulations of the said Society, passed as aforesaid, and now in force, or hereafter to be passed, as aforesaid, during such time as he shall continue on the books of the said Society as a member thereof—then this obligation shall be void, otherwise shall be and remain in full force, virtue and effect.

Sealed and delivered in the presence of

A. B.

L. S.  
L. S.  
L. S.

---

X.

### CERTIFICATE ON BOND.

LAW SOCIETY OF MANITOBA, TO WIT:

These are to certify that we, the subscribers hereunto, are well acquainted with the within named Z. D and V. N., and that they are freeholders of substance amply sufficient to secure the performance of the Condition of the within Bond

J. S.  
J. R.

## XI.

## TREASURER'S REPORT ON PETITION FOR CALL.

LAW SOCIETY OF MANITOBA, TO WIT :

*To the Benchers of the Law Society of Manitoba, in Convocation.*

The Treasurer with reference to the Petition and Presentation for Call of C. D. hereunto annexed, begs leave pursuant to the standing order of Convocation in this behalf, most respectfully to report :

That he has carefully examined the said petition and presentation, and that they appear to him to be complete and regular in every respect ; that he has searched the Journals of Convocation, and finds that the said Candidate was duly admitted into this Society as a Member thereof and entered as a Student of the Laws, on the day of in the Term of in the year of our Lord 18 ; that the Class of the Examination of the said Candidate was (University or Junior) (as the case may be) ; that the said Candidate has passed the following Intermediate Examinations :

That notice of the presentation of the said Candidate for this Call, was duly given on the day of in last Term. That the said Candidate has fully conformed himself to the Rules of the Society and Standing Orders of Convocation, and that should his education be found upon examination to be sufficient, there exists to his knowledge no objection to the Call of the said Candidate to the Degree of Barrister-at-Law.

All of which is most respectfully submitted.

*Treasurer's Office, day of , 18 .*

*Treasurer.*

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## XII.

## DIPLOMA OF BARRISTER-AT-LAW.

LAW SOCIETY OF MANITOBA, TO WIT :

Be it remembered that C. D., of E., in the county of F., in this Province, Gentlemen, son of G. D., of the same place, Merchant, (or, as the case may be,) was by the Benchers of the Law Society of Manitoba in Convocation, on the day of of the Term of in the year of our Lord one thousand eight hundred and , duly called to the Degree of Barrister-at-Law, and that he now remains on the books of this Society, as a Barrister thereof.

In testimony whereof, I, J. R., Esq., Treasurer of the said Society, have to these presents affixed the Seal of the said Society at , this day of in the year of our Lord one thousand eight hundred and and in the year of Her Majesty's reign.

S. C. B., *Secretary.*J. R. *Treasurer.*

## XIII.

## TREASURER'S SUMMONS FOR A SPECIAL CONVOCATION.

LAW SOCIETY OF MANITOBA, TO WIT :

the day of , in Term, in the year of the reign of Queen Victoria, A. D., 18 .

GENTLEMEN,—By virtue of the authority vested in me, as Treasurer of this Society, by the Rules thereof, I have thought fit to summon, and I do hereby accordingly summon, A CONVOCATION OF THE BENCHERS OF THIS SOCIETY, to be held in the Convocation-Chamber, in , at the hour of ten o'clock in the forenoon of , the day of , in this present Term.

This, therefore, is to notify you, and every of you of the same, pursuant to the Rule above mentioned, and to request your attendance, and the attendance of each of you at the time and place aforesaid.

Yours, &c.,

F. McK.,

*Treasurer.*

To the Benchers of the Law }  
Society of Manitoba and every }  
of them.

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## STANDING ORDERS OF CONVOCATION.

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The Benchers of the Law Society in Convocation order as follows :

### SEAL.

1. The Seal of this Society heretofore in use, and bearing the following device, viz. : a shield in the centre whereof stands the figure of Justice, with the scales in her right hand, and the sword in her left, with the words, "The Law Society of Manitoba, Winnipeg, Incorporated 1877," inscribed within circles enclosing the figure, shall be, and shall continue to be, the Seal of the Society.

2. The custody of the Seal of this Society shall belong to the Secretary for the time being, who shall countersign every instrument to which he shall affix such Seal.

## ROLLS AND OTHER ARCHIVES.

3. The Secretary shall, during his tenure of office, safely keep the Rolls and Archives of this Society, and shall personally or by the Sub-Secretary, hand over the same to the Secretary elect upon his entering on the duties of his office.

4. The Secretary shall in like manner keep the Seal of the Society, and in like manner hand over the same to his successor.

5. No alteration or addition of what nature or kind soever, shall, upon any pretence whatever be made in or upon the Rolls of this Society except under the personal direction of the Secretary of the Society for the time being, and the making of such alteration or addition, with the occasion thereof, shall be formally entered on the Journals.

6. On the first day of every Term a Report shall be made by the Secretary in writing, stating the entries to be made on the Rolls in consequence of the admissions, calls, elections, or appointments of the preceding Term, and the said Report having been carefully examined with the Journals during such Term and adopted, the entries shall be thereupon made by the Secretary in the paper copy of the roll and index continued.

7. The entries in the Parchment Rolls of the Society, shall be made by the Secretary from the paper copy, under the superintendence of the Examining Committee.

8. Whenever it becomes necessary to attach an additional piece of parchment to any one of the Rolls of this Society, the making of such additions shall be committed to a select Committee of Benchers, with special instructions to have such addition made in their presence, to the end that the said Rolls may never be out of the actual possession of some member of the Convocation specially appointed for their safe-keeping.

9. Upon every such Committee reporting that they have made such addition, the Seal of the Society shall be again in open Convocation affixed to the Rolls.

## JOURNALS.

10. The Journals of every Term shall be made up by the Secretary in the Vacation following such Term.

11. The Journals of every Term having been so made up, shall, in the Term next following, be examined by a Committee of Benchers appointed for the purpose, and shall, by such Committee, be in the same Term reported to the Convocation for confirmation, and shall thereupon, upon motion made, receive the signature of the President during that Term.

## NOTE.

### LAW TERMS OF MANITOBA.

HILARY.	—	First Monday in February to second Saturday following.			
EASTER.	—	“ “ June “ “ “			
TRINITY.	—	Last “ August “ “ “			
MICHAELMAS.	—	First “ November “ “ “			



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